

REMARKS

The present communication is responsive to the Official Action mailed June 16, 2010. Claims 8, 11, 14, and 17 are amended in accordance with the Examiner's suggestions after discussions with Applicants' counsel on July 12, 2010 and July 14, 2010. No new matter is presented. Because the amendments have already been discussed with the Examiner, Applicants respectfully request that the amendments be entered. Applicants thus submit that claims 8-17 are in condition for allowance, and request that the rejections of the claims be withdrawn.

Applicants thank the Examiner for granting a telephonic interview with Applicants' counsel on July 12, 2010. During the interview, the parties discussed U.S. Patent No. 6,604,239 to Kohen ("Kohen") as it relates to the pending claims. Applicants' counsel explained that Kohen fails to teach computing a "rating relating to a number of receivers that received the unit portion of the program." Rather, Kohen teaches computing a rating for a program based on user input. Specifically, Kohen requires a user to buy or sell "virtual stock" for a program through an electronic interface, and uses that input to compute a "value" or rating for the program. (See *Kohen*, col.5 l.66 - col.6 ll.27).

The parties agreed that Kohen's teaching of computing a rating is different from the rating computed according to the claims of the present application, and that Kohen therefore does not meet the limitations of such claims. The parties also discussed U.S. Patent No. 5,801,747 to Bedard ("Bedard"), and the potential for combining Bedard with Kohen to meet the claim limitations. The parties agreed that even the combination of Bedard and Kohen would not meet the limitation of "computing a rating for each unit portion of the program, the rating relating to a number of receivers that received the unit portion of the

program." Accordingly, the Examiner agreed to withdraw the rejections of claims 8-17.

In a subsequent telephonic interview initiated by the Examiner on July 14, 2010, the Examiner indicated that a further search was conducted and recommended amending the claims as set forth above to place them in condition for allowance. In the interest of moving the application into allowance, Applicants have amended the claims in accordance with the Examiner's suggestions.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 26, 2010

Respectfully submitted,
Electronic signature:
/Natalie S. Richer/
Natalie S. Richer
Registration No.: 58,545
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

LD-446A